

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TERRI LEE MEYER,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 06-117-SLR
)	
PATRICK RYAN, WCI SUPERVISOR)	
GEORGE O'CONNOR, COLLEEN)	
SHOTZBERGER, CAPT. NFN)	
REPETTI, and DR. NFN JACOVb,)	
)	
Defendants.)	

MEMORANDUM ORDER

At Wilmington this ~~24~~ day of September, 2006, having reviewed the motion for reconsideration and the motion for voluntary dismissal filed by plaintiff Terri Lee Meyer, and the papers submitted thereto;

IT IS ORDERED that the motion for reconsideration is denied (D.I. 29), and the motion to voluntarily dismiss defendants NFN Repetti and NFN Dr. Jacovb (D.I. 30) is granted, for the reasons that follow:

1. **Background.** Plaintiff, an inmate housed at the Delores J. Baylor Women's Correctional Institution, filed this civil rights complaint pursuant to 42 U.S.C. § 1983. She later sought injunctive relief and, on March 27, 2006, the court denied most of the injunctive relief sought by her. (D.I. 5, 11) The court held in abeyance its ruling on plaintiff's request for injunctive relief to conduct legal research, the return of her allegedly confiscated legal documents, and the denial of her right to

access to the law library. (D.I. 11) The remaining request for injunctive relief was denied on May 23, 2006. (D.I. 16)

2. **Standard of Review.** The standard for obtaining relief under Rule 59(e) is difficult to meet. The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence. Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985). A motion for reconsideration may be granted if the moving party shows: (1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court issued its order; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. Max's Seafood Café v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999).

3. A motion for reconsideration is not properly grounded on a request that a court rethink a decision already made. See Glendon Energy Co. v. Borough of Glendon, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993). Motions for reargument or reconsideration may not be used "as a means to argue new facts or issues that inexcusably were not presented to the court in the matter previously decided." Brambles USA, Inc. v. Blocker, 735 F. Supp. 1239, 1240 (D. Del. 1990). Reargument, however, may be appropriate where "the Court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the court by the parties, or has made an error not of

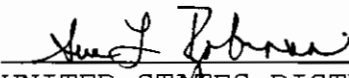
reasoning but of apprehension." Brambles USA, 735 F.Supp. at 1241 (D. Del. 1990) (citations omitted); See also D. Del. LR 7.1.5.

4. **Discussion.** Plaintiff continues to seek confiscated legal work. She contends that defendants confiscated all of her personal legal work, and that she is not quite sure how to deal with the problem. Defendants previously advised the court no letters or any other form of communication was received from plaintiff requesting access to the law library or assistance with her legal issues. Plaintiff does not refute this, but advises the court she sought assistance from the ACLU to regain possession of her confiscated legal materials.

5. Plaintiff also filed a document with the court requesting the court dismiss from the complaint defendants NFN Repetti and NFN Dr. Jacob. (D.I. 30) The document is construed as a motion to voluntarily dismiss pursuant to Fed. R. Civ. P. 41(a).

6. **Conclusion.** Plaintiff does not argue there was an intervening change in the controlling law or the availability of new evidence that was not available when the May 23, 2006 order was entered. Nor does she argue that there is a need to correct a clear error of law or fact. Plaintiff has not demonstrated the grounds necessary to warrant reconsideration and, therefore, her motion (D.I. 29) is be **denied**. The court is concerned, however,

about plaintiff's assertion that all her legal materials were
confiscated by defendants. Therefore, the parties shall advise
the court in writing, no later than **October 6, 2006**, of the
status of plaintiff's alleged confiscated legal material. The
motion to voluntarily dismiss defendants NFN Repetti and NFN Dr.
Jacovb (D.I. 30) is **granted**, the claims against them are
dismissed, and they are dismissed as defendants in this action.


UNITED STATES DISTRICT JUDGE